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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,127	03/17/2000	James L. Ford	AMAZON.047A	2957

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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2171

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/528,127	Applicant(s) Ford et al.
	Examiner Thuy Pardo	Art Unit 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Aug 27, 2001
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6, 9
- 18) Interview Summary (PTO-413) Paper No(s). _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

1. Applicant's Amendment filed on August 27, 2001 in response to Examiner's Office Action has been reviewed. Claim 19 has been amended, and claims 22-33 have been added.
2. Claims 1-33 are presented for examination.
3. The text of those sections of Title 35, U.S. Code § 103 not included in this action can be found in a prior Office Action.
4. Claims 1-21 are rejected under 35 U.S.C. § 103 as being unpatentable over **Schultz** patent no. 5,640,553, in view of **Ballard** patent no. 6,182,050.
5. Schultz and Ballard were cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 22-33 are rejected under 35 U.S.C. § 103 as being unpatentable over **Schultz** patent no. 5,640,553, in view of **Ballard** patent no. 6,182,050 .

8. As to claim 22, Schultz teaches the invention substantially as claimed, comprising:
identifying catalog items [39 items found, see fig. 4A; col. 4, lines 8-9, 30-33] that are responsive to the query ["who was James Doohan?", fig. 4A], including catalog items from multiple categories 349a of fig. 4A], and outputting the multiple categories in said order, together with corresponding catalog items that are responsive to the search query, for presentation to the user [see fig. 4A; col. 13, lines 35-67].

However, Schultz does not explicitly teach determining popularity levels of responsive catalog items although it has the same functionality of documents retrieved from an information retrieval system in response to a request from a user. Ballard teaches determining category popularity levels that indicate for each of the plurality of categories [a desired affinity ranking or a target criteria filter, ab; col. 2, lines 25-45].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Ballard to the system of Schultz as an efficient means to bring to clients' attentions of all related items that meet the user query from different categories.

9. As to claim 29, it is similar to claim 22; therefore, it is rejected under the same rationale.

10. The limitations of claims 23-28 and 30-33 were addressed in the previous action and these claims are rejected on that basis.

Response to Arguments

11. (A) Applicant argues that neither Ballard nor Schultz discloses or suggests a level of significance of the category to the query, and presenting the plurality of categories in a display order which depends upon the category significance levels as specified in claims 1, 9, and 17.

As to point (A), Examiner respectfully disagrees. It should be noted that this feature was also taught by Schultz and Ballard. Schultz teaches the same functionality corresponding to identify a set of items that satisfy the search query [see fig. 4A] and display them in a ranking order that depends upon the scores from the highest to lowest significance [fig. 4A; col. 13, lines 35-67]. Ballard also teaches a level of significance of the category (a desired affinity ranking or a target criteria filter, ab; col. 2, lines 10-21) to the query. Ballard further teaches that the outcome items meeting the target demographics requested by the user which comply with the affinity rankings (col. 3, lines 21-24), and the affinity rankings change dynamically based on the end user's computing or on-line browsing habits (see col. 2, lines 31-33).

(B) Applicant argues that there is no motivation to combine the Schultz and Ballard references.

As to point (B), Examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the Schultz and Ballard references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Schultz and Ballard refer to documents retrieved from an information retrieval system in response to requests from end users [see both abstract].

12. Applicant's arguments have been fully considered but they are not deemed to be persuasive.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 746-7239 (Official Communication)

(703) 746-7240 (For Status inquiries, draft communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions).*

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

15. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Thuy Pardo
November 08, 2001


THOMAS BLACK
SUPERVISORY PATENT EXAMINER
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